

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Letters Patent of:

Christopher STEPANIAN, et al.

U.S. Patent No. 7,078,359

Issued: July 18, 2006

For: AEROGEL COMPOSITE WITH
FIBROUS BATTING

Customer No.: 50006

REQUEST FOR CERTIFICATE OF
CORRECTION PURSUANT
TO 37 C.F.R. §1.322 AND TO
37 C.F.R. §1.323

Attention: Certificate of Correction Branch
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

With this request, we petition the Office for a Certificate of Correction for U.S. Patent No. 7,078,359 to correct errors made in the claims by the Office pursuant to 37 C.F.R. §1.322 and errors made in the claims by Patentees pursuant to 37 C.F.R. §1.323 and 35 U.S.C. §255.

Request for Certificate of Correction Pursuant to 37 C.F.R. §1.322

Upon review of the above-identified patent, Patentees noted errors made by the Office in the claims which should be corrected. More specifically, claim 2 as issued reads as follows:

The composite article of claim 1, wherein the aerogel is selected from the group consisting of inorganic gel forming materials.

Claim 2 of U.S. Patent No. 7,078,359 was prosecuted as claim 2 in the underlying application. The original claim was presented as follows:

The composite of claim 1, wherein the aerogel is selected from the group consisting of inorganic **and organic** gel forming materials. (Emphasis added.)

Claim 2 of U.S. Patent No. 7,078,359 was subsequently revised in a submission dated October 18, 2005 as follows:

The composite article of claim 1, wherein the aerogel is selected from the group consisting of inorganic and organic gel forming materials.

The Examiner's amendment accompanying the Notice of Allowance dated March 20, 2006 did not further revise claim 2. Therefore, claim 2 as issued should read as follows:

The composite article of claim 1, wherein the aerogel is selected from the group consisting of inorganic ~~--and organic--~~ gel forming materials.

Furthermore, claim 36 as issued reads as follows:

The composite article of claim 27 further comprising device which converts the thermal energy to electrical energy, wherein the high thermal conductivity material conducts heat away from a localized heat load and into the device.

Claim 36 of U.S. Patent No. 7,078,359 was prosecuted as claim 36 in the underlying application. In an amendment dated January 5, 2006, the claim was presented as follows:

The composite article of claim 27 further comprising device which converts the thermal energy to electrical energy, wherein the high thermal conductivity material conducts **heat** away from a localized heat load and into the device. (Emphasis added.)

The Examiner's amendment accompanying the Notice of Allowance dated March 20, 2006 did not further revise claim 36. Therefore, claim 36 as issued should read as follows:

The composite article of claim 27 further comprising device which converts the thermal energy to electrical energy, wherein the high thermal conductivity material conducts "heat" ~~--heat--~~ away from a localized heat load and into the device.

Patentees request that a certificate of correction be issued to correct these errors, or in the alternative, request that a corrected patent be issued at no cost to the patentee. 37 C.F.R. §1.322(b). However, in light of the following Request under 37 C.F.R. §1.323 below, we request issuance of the attached Certificate of Correction which addresses the above identified matters.

Request for Certificate of Correction Pursuant to 37 C.F.R. §1.323

Upon review of the above-identified patent, Patentees further noted errors made by the Patentees in the claims which should be corrected. More specifically, claims 3 and 4 as issued read as follows:

3. The composite article of claim 1, wherein the inorganic gel forming material is selected from the group consisting of zirconia, yttria, hafnia, alumina, titania, ceria, and silica, and any combination thereof.
4. The composite article of claim 1, wherein the organic gel forming material is selected from the group consisting of polyacrylates, polystyrenes, polyacrylonitriles, polyurethanes, polyimides, polyfurfural alcohol, phenol furfuryl alcohol, melamine formaldehydes, resorcinol formaldehydes, cresol formaldehyde, phenol formaldehyde, polyvinyl alcohol dialdehyde, polycyanurates, polyacrylamides, various epoxies, agar, and agarose, and combination thereof.

Claims 3 and 4 of U.S. Patent No. 7,078,359 were prosecuted as claims 3 and 4 respectively in the underlying application. The original claims were presented as follows

3. The composite of claim 1, wherein the inorganic gel forming material is selected from the group consisting of zirconia, yttria, hafnia, alumina, titania, ceria, and silica, and any combination thereof.
4. The composite of claim 1, wherein the organic gel forming material is selected from the group consisting of polyacrylates, polystyrenes, polyacrylonitriles, polyurethanes, polyimides, polyfurfural alcohol, phenol furfuryl alcohol, melamine formaldehydes, resorcinol formaldehydes, cresol formaldehyde, phenol formaldehyde, polyvinyl alcohol dialdehyde, polycyanurates, polyacrylamides, various epoxies, agar, and agarose, and combination thereof.

As originally presented, claims 3 and 4 depend from claim 1. But claim 1 as originally presented and as patented does not expressly refer to either “inorganic” or “organic” gel forming materials:

1. (Original) A composite article comprising aerogel and a reinforcing structure to serve as a flexible, durable, light-weight insulation product wherein the reinforcing structure comprises a lofty fibrous batting which causes no substantial degradation of the thermal

performance of the aerogel as compared with a non-reinforced aerogel body of the same material.

It is clear, therefore, that claims 3 and 4 as originally presented were subject to Applicant error and should have depended from original claim 2 (see page 1 of this Request) rather than depend from claim 1. Claim 2, which depends from claim 1, expressly recites “inorganic and organic gel forming materials.” Therefore, claims 3 and 4 as issued should depend from claim 2 and read as follows:

3. The composite article of claim “1” –2--, wherein the inorganic gel forming material is selected from the group consisting of zirconia, yttria, hafnia, alumina, titania, ceria, and silica, and any combination thereof.

4. The composite article of claim “1” –2--, wherein the organic gel forming material is selected from the group consisting of polyacrylates, polystyrenes, polyacrylonitriles, polyurethanes, polyimides, polyfurfural alcohol, phenol furfuryl alcohol, melamine formaldehydes, resorcinol formaldehydes, cresol formaldehyde, phenol formaldehyde, polyvinyl alcohol dialdehyde, polycyanurates, polyacrylamides, various epoxies, agar, and agarose, and combination thereof.

Patentee respectfully submits that these errors were clerical or typographical in nature, and of minor character without materially affecting the scope or meaning of the patent. Patentee discovered these errors in reviewing the claims of the subject patent and took steps to request a certificate of correction in good faith and in due course. Furthermore, Patentee believes that no new matter has been introduced, and that the requirements of 35 U.S.C. §255 have been met.

Patentees therefore request that the attached proposed certificate of correction be issued to correct these errors under 37 C.F.R. §1.323. The required fee set forth in Section 1.20(a) is separately and concurrently submitted.

If the Examiner believes a telephone conference would expedite the issuance of a certificate of correction for this issued patent, please telephone the undersigned at 508-691-1145.

Respectfully submitted,
/Poongunran Muthukumaran/

Poongunran Muthukumaran
Reg. No. 58,862
Date: June 3, 2008

Aspen Aerogels, Inc.
IP Department
30 Forbes Road, Bldg B
Northborough, MA 01532